

**ARKANSAS FIRE PROTECTION LICENSING BOARD
RULES AND REGULATIONS FOR PORTABLE AND FIXED SYSTEMS**

SECTION 1. SCOPE, PURPOSE AND FAIRNESS

1. PURPOSE. *The purpose of the Rules and Regulations is to regulate persons engaged in the business of sale, installation and servicing portable fire extinguishers and to provide for the registration and licensure of businesses and persons providing the services, in order to protect and promote public safety by minimizing personal injury and property damages which might result from inadequate, unreliable, unsafe or improperly installed or maintained portable extinguishers and fixed fire extinguisher systems.*

2. APPLICABILITY OF RULES. *The rules shall apply to all firms, licensees and apprentices engaged in the business of servicing portable extinguishers, installing or servicing fixed fire extinguisher systems and performing hydrostatic testing, except those specifically exempt by Act 743 of 1977.*

Any firm desiring to engage in the business of installing, repairing or servicing portable fire extinguishers or fixed fire extinguisher systems shall make a written verified application to the Board (on forms provided) for a Certification of Registration. A copy of such certificate will be provided for each separate location of such firm where such service is to be performed. The application must be signed by the sole proprietor, or each partner, or by an officer of the corporation. The appropriate fee must accompany the application, along with all information required by the Board.

3. FAIRNESS NOTICE. *Notice by the Board as required by any provision of statute or of these rules must be given by personal service or mail, postage prepaid, addressed to the person to be notified at his last known address of residence or business as it appears on the records in the office of the Board.*

SECTION 2. DEFINITIONS

a. Apprentice – (means – delete) a specific individual to whom a permit has been issued by the Board to perform various acts of service under the direct supervision of a person holding a valid license to perform such act.

b. Certified Firm – (means – delete) any business owned by an individual, partnership, corporation or association holding a current certificate of registration issued by the Board.

c. **Condemned – a fixed fire extinguisher system that does not meet the applicable standards for servicing and it cannot be repaired or corrected.**

- d. Department of Transportation (DOT) Cylinder – (means-delete) all cylinders manufactured and tested in compliance with specifications of the United States Department of Transportation.
- e. **Fire Marshal – State Fire Marshal.**
- f. **Firm – any person, partnership, corporation or association.**
- g. **Full-time employee – an employee working an average of at least 30 hours per week.**
- h. **Hydrostatic Testing – pressure testing by hydrostatic methods.**
- i. **Impaired – a fixed fire extinguisher system or a portable fire extinguisher that does not meet the applicable minimum standards for servicing but the condition causing the impairment is correctable.**
- j. **Investigator – a person employed by the Fire Protection Licensing Board to receive and investigate complaints.**
- k. License – a written document issued by the Board to any person for the purpose of granting permission to such person to perform any act or acts for which authorization is required.
- l. Licensee – a specific individual to whom a license has been issued by the Board.
- m. **NFPA – National Fire Protection Association, Inc., a nationally recognized standards-making organization, # 1 Batterymarch Park, P. O. Box 9101, Quincy, Mass. 02269-9101.**
- n. **Organization – corporation, partnership or other business association, a government entity or any other legal or commercial entity.**
- o. Person – a natural person, including any owner, manager, officer or employee of any **firm.**
- p. **Portable fire Extinguisher – any device that contains within its chemicals, fluids, powder, liquids or gases for extinguishing fires**
- q. Recharge – to fill an extinguisher with a charge the second and all succeeding times.
- r. Recognized Testing Laboratory – a nationally recognized testing agency staffed by qualified personnel and properly equipped to conduct the particular test in question and who are regularly engaged in conducting tests and furnishing inspection and re-examination services. Such recognized testing laboratories are those who publish lists of

tested materials, equipment or devices and conduct inspection of the listed product and must be approved by the Board.

s. **Red Tag – any portable fire extinguisher system or fixed fire extinguisher system that is emergency impaired and therefore would not be acceptable for use in the case of emergency operation.**

t. Repair – any work performed on or to any portable fire extinguisher system or fixed fire extinguisher system and not defined as charging, re-charging, hydrostatic testing or inspecting.

u. **Service Tag – any portable fire extinguisher or fixed fire extinguisher system that has successfully passed inspection by a licensed individual. Impairments must be noted on the comment section of the tag.**

v. Test – to subject any portable fire extinguisher or fixed fire extinguisher system to any procedure necessary to insure its proper operation or installation.

w. **Service and Servicing – service or physically install portable fire extinguisher or fixed fire extinguisher systems by charging, filling, maintaining, re-charging, re-filling, repairing, hanging, locating or re-testing.**

x. Standards – nationally recognized standards adopted herein.

y. Fixed Fire Extinguisher System – expanded to include fire extinguisher systems installed according to these rules and regulations.

SECTION 3. SUBMITTING TO AN INSPECTION

Each firm applying for a Certificate of Registration or a Hydrostatic Testing Certificate must sign a statement with the Board indicating their willingness to submit to an inspection of their premises by the Board or its duly authorized Deputy at its discretion.

SECTION 4. REGISTRATION, LICENSING AND FEES

a. The Fire Protection Licensing Board shall issue no certificate of registration or license to a firm where the issuance of such license shall be confusing to the public. **The firm requesting a certificate of registration shall contact the Board concerning the acceptability of the proposed company name.**

b. **The** person responsible for the operation of the certified firm must file an affidavit with the Board **to obtain a license to install or service fixed fire extinguisher systems.** The affidavit must state the firm employs trained persons to install and service each **certified** brand, **the** manufacturer's installation **manual** is in the possession of the responsible person and factory authorized parts for each brand of system **are available**

c. Licensee may **not** make statements or representations, written or verbal, which inaccurately state the effectiveness of the fire extinguisher or a fire extinguisher system. Unfair comparison with competitor products is prohibited.

d. Company License:

1. Submit application with appropriate fees.
2. Provide a sample (not a copy) of company service tag, red tag and verification of service collar
3. Provide a copy of the company liability insurance certificate (minimum \$300,000.00)
4. Company shall be licensed for Class A and Class B Hydrostatic Testing or **supply** a letter from a company licensed **by** this Board stating they will perform the work for **the** company. (A company can only be licensed for Class A provided they have been approved and assigned a number by DOT.) A copy of the DOT letter must accompany the application.
5. **The license application for fixed fire suppression systems shall be accompanied by a copy of the company certificate of distributorship or an affidavit (forms provided) for each brand from a company licensed by this Board and is a distributor**
6. **A company cannot be licensed for brands or types of systems without a licensed individual(s) employed by the firm who is trained and licensed for the same brand(s) or type(s) as the firm.**
7. The Board may review the application, record of service, servicing shop facilities, methods and procedures of operations to determine the granting or renewing of a certificate of registration, license or permit **that** would not be contrary to public safety and welfare. **The** Board shall issue or renew certificate of registration, license or permit authorizing the applicant to engage in the business of servicing portable and fixed fire extinguisher systems provided the required fees have been paid. The Board shall give each certificate of registration, license or permit an identifying number.
8. Certified firms not licensed to perform Hydrostatic Testing must submit a letter from an Arkansas certified firm licensed **by this Board** to do Hydrostatic Testing. **The letter must state** the licensed certified firm will perform the needed hydrostatic testing for the unlicensed firm. **In the event** a licensed certified firm withdraws its letter **of performance to** the unlicensed certified firm **a replacement letter** must **be forwarded to the Board office** within 20 days from the date of withdrawal.
9. **Invalid certificate of registration to service portable fire extinguishers or install and service fixed fire extinguisher systems may be renewed provided the license has been expired less than two (2) years by paying the past renewal fees along with any**

applicable late fees. A new certificate of registration must be submitted to the Board if the license has been expired two (2) years or more.

10. **A certificate of registration may be denied, refused, suspended, revoked or the renewal thereof refused, if after notice and public hearing, the Board finds from the evidence presented at such hearing the firm has violated any of the provisions of Act 743 of 1977, as amended, or these rules and regulations.**

11. A certificate of registration shall not be issued to any person under 18 years of age.

12. A certificate of registration issued pursuant to these regulations shall not be transferred from one firm to another.

13. A certificate of registration shall not constitute authorization for any licensee or any of his employees to enter upon or into any property or building.

14. A certificate of registration shall not constitute authorization for any holder of a certificate or any of its employees to enforce any provision(s) of these regulations.

15. A certified firm shall report any change of location to the Board in writing within fourteen (14) days of such change to maintain validity of the affected certificate of registration. Any change of location shall be verified by the Board or its duly authorized Deputy and upon verification of such change shall affix a change of location stamp to the affected certificate of registration.

16. A certificate of registration issued to a firm by the Arkansas Fire Protection Licensing Board must be posted at the certified location. The certificate must be in a location for inspection at any reasonable hour.

17. A duplicate certificate of registration may be issued by the Board to replace a previously issued certificate (that – delete) which has been lost or destroyed. A written statement from the certified firm to the Board attesting to the fact that the certificate has been lost or destroyed must be received prior to issuance of a duplicate certificate. The fee for re-issuance shall be \$25.00.

18. Application for renewal of a certificate of registration shall be made annually. Appropriate fees and documentation shall accompany the renewal application.

e. Individual License:

1. Any person employed by a certified firm, corporation or partnership engaged in the business of servicing portable fire extinguishers, installing fixed fire extinguisher systems or hydrostatic testing shall submit an application to the Board (on forms provided) and take a written examination for the appropriate license. Fee and documentation must accompany the application.

2. Examinations shall be given at least once per month at a place to be determined by the Board. Applications, fees and appropriate documentation must be received prior to testing. Individuals should contact the Fire Protection Licensing Board to schedule testing.
3. A minimum grade of 90% is required to pass any examination. Applicants obtaining a minimum grade of 90% will be issued a license endorsed with the type of service qualified by the examination.
4. Application for individual license to install or service fixed fire extinguisher systems must be accompanied by a current certificate affirming the licensee has been trained by the particular brand name manufacturer the licensee is seeking a license for OR an affidavit (on forms provided) affirming the licensee has been trained on the particular brand name of the manufacturer by a person holding a current certificate of training from the manufacturer. The person providing the training shall complete the affidavit. A copy of the trainer's manufacturer's certificate of training shall accompany the affidavit. A copy of the current DOT approval letter with the individual's name and company must accompany the application for Class A Hydrostatic Testing. The individual's name must have been placed on the DOT list for certification. The above information must be on file with the Board office at all times
5. Persons holding a valid license shall not be authorized to perform any act unless employed by a certified firm. Persons forming a new firm must sever employment with their current employer prior to making application for new firm certificate of registration. Individual license may be transferred by filing a transfer application, accompanied by license, pocket card, a statement from the previous employer stating the separation date, the name and address of the new employer and the firm's certificate of registration number. The owner, partner or officer of the corporation must sign the application. The transfer fee shall accompany the transfer application.
6. *The licensee shall report any change in home address to the Board within 14 days.*
7. Licensee shall not assume a license has been issued until the pocket card issued by the Board has been received. It shall be unlawful for any person to service or install fire extinguishers in this State unless said person possesses a current valid card evidence of the fact the person holds an active license and stating the firm with whom the licensee is affiliated.
8. Every person holding a valid license shall, upon demand, show and permit examination of such license by the Board or its duly appointed deputy.
9. A duplicate license may be issued to replace a license that has been lost or destroyed. The licensee requesting the duplicate license shall submit a written

statement to the Board attesting to the fact the license has been lost or destroyed, accompanied by the appropriate fee for duplicate license.

10. A license shall **not** constitute authorization for any person to enter upon or into any property or building.

11. A license shall not constitute authorization for any person to enforce any provision(s) of these rules.

12. A license may be used for identification purposes ONLY as long as such license remains valid while the **licensee is in the employment of the** certified firm.

13. A licensed **employee** of a certified firm may perform only those acts authorized by the firm's certificate of registration. A licensee may perform only those acts authorized by his license.

14. License issued pursuant to these regulations shall **not** be transferred from one person to another.

15. New employees of certified firms may **make application for** an apprentice permit. **The permit shall be valid for one (1) year from the date of issuance and shall not be renewed. An apprentice, under the direct supervision of a valid licensee, may perform the various acts of servicing portable fire extinguishers, installing or servicing fixed fire extinguisher systems. The apprentice and the licensed employee shall be employees of the same certified firm and shall both sign any service tag.**

16. All acts of service performed after the expiration date of an apprentice permit, where the permit holder has not applied for a license, shall be in violation of these regulations.

17. **The apprentice permit holder shall report any changes in home address to the Board within fourteen (14) days of such change.**

18. Each person holding a valid apprentice permit shall, upon demand, show and permit the examination of such permit to the Board or its duly appointed deputy.

19. **A duplicate apprentice permit may be issued to replace any previously issued permit that has been lost or destroyed. The licensee requesting the duplicate license shall submit a written statement to the Board attesting to the fact that the permit has been lost or destroyed, accompanied by the appropriate fee for duplicate permit.**

20. The license and appropriate fee shall be invalid if not received in the office of the Board on or before the expiration date dated on the individual license. The licensee holding said license shall cease to perform those acts of service authorized by the license.

21. Invalid individual license to service portable fire extinguishers or install and service fixed fire extinguisher systems may be renewed if the license is less than two (2) years expired by paying the past renewal fees along with any applicable late fee. Individual license with an expiration of two (2) years or more must submit to and pass another examination to receive a license.

22. Application for individual license renewal shall be made annually. The appropriate fees and documents shall accompany the renewal application.

23. Every person who performs any acts within the scope of his employer's certificate of registration shall pass a written examination given at the direction of the Board. Such examination may be supplemented by practical test or demonstrations deemed necessary to determine the applicant's knowledge and ability to service portable fire extinguishers or fixed fire extinguisher systems.

24. A license or permit may be denied, refused, suspended, revoked or the renewal thereof refused, if after notice and public hearing, the Board finds from the evidence presented at such hearing the individual has violated any of the provisions of Act 743 of 1977, as amended, or these rules and regulations.

SECTION 5. LICENSE ALTERATION

Evidence of alteration of the certificate of registration, license or permit shall render said certificate, license or permit invalid and the altered certificate, license or permit shall be surrendered to the Board or its duly authorized deputy upon request.

SECTION 6. TAKING ORDERS

Certified firms shall not be prohibited from taking orders for the performance of any act(s) which said firm is not authorized to perform. Such orders shall be consigned to a firm licensed by this Board to perform the necessary act(s).

SECTION 7. FEE SCHEDULE FOR PORTABLE, FIXED AND HYDROSTATIC SYSTEMS

a. Every fee required in accordance with the provisions of Act 743 of 1977, as amended and these rules shall be paid by check or money order. Check or money order shall be made payable to the Arkansas Fire Protection Licensing Board.

b. Fees shall be paid at the office of the Board in Little Rock, Arkansas or mailed to an address specified by the Board.

c. Fees shall be as follows:

New Company

Portable

\$ 300.00

Fixed	\$ 300.00
Class A	\$ 100.00
Class B	\$ 50.00

Company Renewal

Portable	\$ 300.00
Fixed	\$ 300.00
Class A	\$ 100.00
Class B	\$ 50.00

Individual Testing and License

<u>Portable</u>	<u>\$ 60.00</u>
<u>Fixed</u>	<u>\$ 60.00</u>
<u>Class A</u>	<u>\$ 60.00</u>
<u>Class B</u>	<u>\$ 60.00</u>

Renewal Individual License

Portable	\$ 30.00
Fixed	\$ 30.00
Class A	\$ 15.00
Class B	\$ 10.00

Other Fees

<u>Exam Fee</u>	<u>\$ 30.00</u>
<u>License Transfer</u>	<u>\$ 30.00</u>
<u>License Update</u>	<u>\$ 30.00</u>
<u>Licensing Packet</u>	<u>\$ 28.00</u>
<u>Branch Office (if a different name)</u>	<u>\$ 28.00</u>
<u>Apprentice Permit</u>	<u>\$ 15.00</u>
<u>Duplicate License</u>	<u>\$ 25.00</u>

- d. **Late fees are required for all certificate or license holders who fail to submit renewal application and appropriate fees on or prior to their expiration date.**
- e. **A renewal application, accompanied by the required renewal fee and deposited with the United States Postal Service, is deemed timely filed, regardless of actual date of delivery, when its envelope bears a legible postmark date which is on or before the expiration date of the certificate or license being renewed.**
- f. **A certificate or license expired for two (2) years or more cannot be renewed.**
- g. **Holders of certificates and licenses expired for less than two (2) years may be issued certificates or license. Renewal fee for such certificate or license is composed of renewal and late fee and shall be determined in accordance with the following schedule:**

Expired 1- <u>90</u> Days	1 Renewal Fee + <u>$\frac{1}{2}$ of initial fee</u>
Expired <u>91-365</u> Days	1 <u>Renewal Fee</u> + 1 initial fee
Expired <u>366 days – 2 years</u>	<u>2 Renewal Fees</u> + 1 initial fee

- h. Certificates and license expired two (2) years or more shall be treated as a new company. All employees shall re-test in order to receive a license.

SECTION 8. ADOPTED STANDARDS

a. The Board adopts by reference in their entirety, unless specified, the (below listed copywriter's – delete) **most current** standards published by and available from the National Fire Protection Association, Inc. # 1 Batterymarch Park, P. O. Box 9191, Quincy, Mass. 02269-9191, telephone number 1-800-344-3555.

b. All portable fire extinguishers and fixed systems installed or serviced in this State shall be done in compliance with Act 743 of 1977, as amended, the rules of the Board, manufacturer's specifications and one or more of the following:

NFPA 10 Portable Fire Extinguisher (1998 Edition, Section 4-5.3.4 of NFPA 10 entitled "Agent Re-use. The "Closed System" is not required – delete)

NFPA 11 Low Expansion Foam and Combined Agent System (1998 Edition – delete)

NFPA 11A Medium and High Expansion Foam Systems (1999 Edition – delete)

NFPA 12 Carbon Dioxide Extinguishing System (1998 Edition – delete)

NFPA 12A Halon 1301 Fire Extinguishing Systems (1997 Edition – delete)

NFPA 12B Halon 1211 Fire Extinguishing System (1990 Edition – delete)

NFPA 17 Dry Chemical Extinguishing System (1998 Edition-delete)

NFPA 17A Wet Chemical Extinguishing Systems (1998 Edition-delete)

NFPA 96 Vapor Removal Foam Cooking Equipment (1998 Edition – delete)

NFPA 2001 Clean Agent Fire Extinguishing System

Compressed Gas Association (CGA) Pamphlet C-6, Standards for Visual Inspection of Compressed Gas Cylinders.

Compressed Gas Association (CGA) Pamphlet C-1, Methods for Hydrostatic Testing of Compressed Gas Cylinders.

c. All compressed gas cylinders (Class A) shall be hydrostatically tested in compliance with Compressed Gas Association pamphlets C-1 and C-6, most current editions, and the rules and regulations of this Board.

d. All low pressure (Class B) Hydrostatic testing shall be accomplished in accordance with NFPA 10, most current edition, and the rules and regulations of this Board.

SECTION 9. EXTINGUISHER SALES

No portable fire extinguishers shall be sold, leased, serviced or re-charged in the State of Arkansas unless labeled and/or listed by Underwriters Laboratories, Inc, Factory Mutual System or other nationally recognized testing laboratory which is approved by the Arkansas Fire Protection Licensing Board or the Office of the State Fire Marshal.

SECTION 10. IMPORTANT NOTICE

At a public hearing held on November 19, 1997 the Arkansas Fire Protection Licensing Board (voted in favor of – delete) **adopted** the following:

a. EFFECTIVE MARCH 1, 1998 DRY CHEMICAL AUTOMATIC FIRE EXTINGUISHING SYSTEMS CAN NO LONGER BE INSTALLED TO PROTECT COMMERCIAL COOKING OPERATION. The change does not effect existing systems which can continue to be serviced and modified provided these services can be performed according to the original UL listing, manufacturer's directions and with manufacturer's authorized parts and chemicals. (If you have any questions regarding the ban you may write or call the Arkansas Fire Protection Licensing Board Office – delete)

b. Ansul has stopped supplying parts for their R101 Dry Chemical Systems effective January 1, 1999. Licensees can continue to service and modify dry chemical systems (all brands) over cooking operations only if you obtain and use new manufacturer's parts and chemicals. Do not use used parts taken from other systems. Do not use old chemicals. As long as these rules are complied with the serviced Dry Chemical Systems can be tagged "OK". Systems that can no longer be serviced shall be RED TAGGED and the customer given a written report.

c. Effective October 10, 2002 Dry Chemical Restaurant Systems may be six year hydrostatic pressure tested and recharged as needed through December 31, 2005. No modifications can be made in the event new equipment is added and any parts

used to service these systems must be new manufacturer's parts. If you do not have new parts then these systems may not be serviced by your firm and must be RED TAGGED.

After December 31, 2005 any dry chemical system that is due for hydrostatic pressure testing, due for six year maintenance or has been discharged may not be serviced nor placed back into service.

After December 31, 2007 no dry chemical restaurant fire systems may be serviced for any reason and must be RED TAGGED.

d. Effective March 9, 2004 all wet systems that are not UL 300 standard may be hydro tested through December 31, 2005. No modifications can be made in the event new equipment is added and any parts used to service these systems must be new manufacturer's parts. If you do not have new parts these systems may not be serviced by your firm and must be RED TAGGED.

After December 31, 2005 non UL 300 wet systems due for hydro testing may not be serviced nor placed back into service.

After December 31, 2007 non UL 300 systems may not be serviced for any reason and must be RED TAGGED.

SECTION 11. REQUIREMENTS FOR SERVICE TAG

General Requirements. Service tags are required by the rules and regulations and shall be in conformity with the following provisions: (A current sample of the company's service tag must be on file with the Board at all times.)

- a. Tags shall be (not-deleted) no more and (not-deleted) no less than 5 ¼ inches in height and 2 5/8 inches in width. Service tags shall (not be red in color- delete) be any color EXCEPT RED.
- b. One service tag shall be attached to each portable fire extinguisher in such a position as to be conveniently inspected, but not to hamper the operation or removal of the extinguisher from the bracket.
- c. The service tag may be printed or otherwise established for any number of years not in excess of five (5) years.
- d. Every tag attached to an extinguisher or fixed system serviced by a licensed firm shall be an approved service tag conforming to these rules.
- e. A sample of the firm's service tag must accompany the firm's application for a certificate of registration. If changes are made to the design of the service tag, a sample of the new revised tag must be forwarded to the Board office. A sample of

the current service tag must be on file with the Arkansas Fire Protection Licensing Board at all times.

f. Service tags shall bear the following information:

- i. servicing firm's name
- ii. address of servicing firm
- iii. certificate of registration number
- iv. type of service performed
- v. date (of-delete) service **was** performed
- vi. license number of the individual (who performed-delete) **performing or** (supervised –delete) **supervising** the service or services performed.
- vii. Apprentice permit number
- viii. **DO NOT REMOVE BY ORDER OF THE STATE FIRE MARSHAL** in BOLD TYPE **with font size not less than 16.**
- ix. Signature or initials of (serviceman-delete) **serviceperson. Signature or initials must be handwritten in INK at the time of service..**
- x. A new service tag must be attached to the extinguisher or fixed system each time service is performed.

g. **The** date **of service** and **type** of service performed must be indicated (by punching the appropriate section of the tag-delete) **on the appropriate section of the tag.**

h. No person or persons shall remove the service tag except when further service is performed. No person or persons shall deface, modify or alter any **required** service tag attached to (or required to be –delete) any portable fire extinguisher.

SECTION 12. REQUIREMENTS FOR RED TAGS

Fixed fire protection systems and portable fire extinguishers which do not conform with the minimum regulations or standards shall not be tagged but shall be provided with a Red Tag according to the following: **(A current sample of the company's red tag must be on file with the Board office at all times.)**

a. (Red tags shall be the same size as service tags – delete)**Red Tags shall be no more or no less than 5 ¼ inches in height and 2 5/8 inches in width.**

b. Red tags shall be marked as impaired or condemned based on the following guidelines:

1. Impaired – a fixed fire extinguisher system or portable fire extinguisher shall be impaired when it does not meet the applicable minimum standards for servicing but the condition causing the impairment is correctable.

2. Condemned – a fixed fire extinguisher system or portable fire extinguisher shall be condemned when it does not meet the applicable minimum standards for servicing and it can not be repaired or corrected.

c. Red tags shall bear the following information:

- i. (Servicing firm's name and address – delete) **Name and address of servicing firm**
 - ii. (Servicing firm's-delete) certificate of registration number of the **servicing firm**
 - iii. a section to clearly (show-delete) **label** "Impaired" or "Condemned"
 - iv. name and address of the owner of the fixed fire extinguisher system or portable fire extinguisher
 - v. date of "impairment" or "condemnation"
 - vi. license number and initials or name of the (serviceman-delete) **serviceperson** "impairing" or "condemning" the unit. **Name or initials must be handwritten in ink at the time of service.**
 - vii. a printed statement **DO NOT REMOVE BY ORDER OF THE STATE FIRE MARSHAL** in BOLD PRINT **type with font size not less than 16.**
 - viii. a statement as to why the unit is "impaired" or "condemned"
- d. A sample of the (Red tag a firm is using-delete) **firm's Red Tag** shall be forwarded to the Fire Protection Licensing Board (upon-delete) **with the** application for a certificate of registration (and annually or sooner if a change has been made to the design-delete) **If a change has been made in the design of the Red tag a sample of the new revised Red tag shall be forwarded to the Board office.** Current **Red** tags must be on file **with the Fire Protection Licensing Board** at all times.

e. (Only authorized and licensed employee's of a certified firm, member of the State Fire Marshal's office, Local Fire Marshal or member of the Fire Protection Licensing Board may remove the Red tag-delete) **The Red Tag may be removed by:**

- i. **a member of the State Fire Marshal's Office**
- ii. **local fire marshal**
- iii. **authorized and licensed employee of a certified firm**
- iv. **members of the Arkansas Fire Protection Licensing Board**

and only if the system was "impaired" and the impairing condition(s) is corrected.

SECTION 13. VERIFICATION OF SERVICE (Maintenance or Re-Charging)

a. Each extinguisher that has undergone **internal examination** (which includes internal examination –delete) or (that – delete) has been recharged shall have a Verification of Service Collar located around the neck of the container. The collar shall contain a single circular piece of uninterrupted material forming a hole of a size that will not permit the collar assembly around the neck of the container unless

the valve is completely removed. The verification of service collar shall include the following information:

- i. month and year the service was performed indicated by a perforation such as a hand punch
(Exception # 1: Fire extinguishers undergoing maintenance before October 1, 1998 – delete)
Exception # 1: Cartridge/cylinder-operated fire extinguishers do not require a verification of service collar.

b. Re-charge Record Keeping. Each fire extinguisher shall have a tag or label (six year maintenance or hydrostatic test) securely attached indicating (that indicated – delete) the month and year recharging was performed and that identifies the person performing the service. In accordance with NFPA 10 a verification of service (maintenance or re-charging) collar (in accordance with NFPA 10, 1998 edition – delete) shall also be attached to the extinguisher.

Exception# 1: Liquefied Gas, Halongenated Agent and Carbon Dioxide extinguishers which have been re-charged without valve removal do not require a verification of service collar.

Exception # 2: Cartridge/cylinder operated fire extinguishers do not require a verification of service collar.

c. Failure to properly complete and attach the verification of service collar may result in suspension or revocation of a service personnel's (certificate of registration – delete) license.

d. A sample of (this-delete) the collar must be (supplied to the Arkansas Fire Protection Licensing Board-delete) included when applying for (a certificate of registration-delete) or renewing the certificate of registration.

SECTION 14: BOARD MEETINGS

The Arkansas Fire Protection Licensing Board will conduct four (4) meetings per year. (One each quarter-delete) (The meetings will be conducted by-delete). The Chairman of the Board will preside at the Board meeting and may conduct other meetings on an as needed basis.

Special meetings of the Board may be called at any time by a majority of the Board or at the direction of the Chairman of the Board.

Any person desiring to appear before the Board at any of its regular meetings, to take up any business within its jurisdiction shall, at least 15 days prior to such meeting, file with the (Secretary-delete) Board a written request therefore, in which the nature and purpose of the appearance shall be clearly and concisely stated (with sufficient details-delete) to

fully apprise the Board of the basis and extent of such business. An estimate of time needed must be stated on request.

The (Secretary-delete)**Board** shall arrange the order of business of all meetings of the Board and shall at least ten days prior thereto, notify all persons who are to appear before any such meeting the place and approximate time (he or she is-delete) to appear before the Board.

Appearance before any special meeting of the Board shall be voluntary on the part of any person and they must file with the (Secretary-delete) **Board** prior to any such appearances, a signed statement to the effect that such appearance is voluntary.

SECTION 15: BOARD HEARINGS, COMPLAINTS, INVESTIGATIONS

a. Complaints. Any and all complaints falling within the jurisdiction of the Board, which individuals make, must be in (writing, dated, signed and notarized-delete) **written form.** **The Board staff will date stamp the complaint and a complaint number will be assigned when received in the Board office.**

b. Investigations. The Board (staff-delete) may, on its own motion, initiate investigation. The (Secretary or Board Inspector-delete) **Board** after reviewing the complaint may proceed to investigate the allegations.

The Board (Secretary-delete) in consultation with the Board Counsel will determine whether there is sufficient evidence to make a *prima facie* case.

c. Hearings. If it is determined that there is a *prima facie* case, that the licensee or individual has violated laws under the Board's jurisdiction, the Board will cause a Notice of Hearing to be issued. The Notice of Hearing will contain information as required by Arkansas Administrative Procedures Act.

The Notice will be served on the Respondent by U. S. Mail or by personal delivery at least twenty (20) days before the scheduled hearing. Notice shall be deemed sufficient if the Notice is mailed to the person at his or her address of record with the Board.

Hearings before the Board shall be presided over by the Chairman, although the Board may from time to time utilize hearing officers. Testimony before the Board shall be made under oath and shall be stenographically reported.

Respondents before the Board shall be entitled to be represented by counsel, shall be allowed to cross-examine witnesses and shall be allowed to present testimony, photographs and other exhibits which are determined to be admissible by the Chairman or Hearing Officer.

At the conclusion of the evidentiary portion of the hearing, the Board will conduct deliberations. At the close of the deliberations, the Board will make Findings of Fact, Conclusion of Law and Disciplinary Orders, if appropriate.

d. Alternate Proceedings. Prior to proceeding to a formal adjudicative hearing, the case will be reviewed by an ad hoc committee to determine whether summary proceedings should be invoked. Members of the committee will be appointed by the Chairman and will in most cases include the State Fire Marshal, the Board Secretary and/or Investigator and the Board's Legal Counsel. If the committee determines that the violations, if proved, would not warrant license revocation or a fine in an amount greater than one thousand (\$1,000.00) dollars, the committee may recommend the complaint be handled in a summary manner. The decision will be referred to the Chairman for acceptance or rejection.

If the Board decides to utilize alternative proceedings, the Respondent will be notified by mail that the Board has learned that he or she has engaged in actions which violate the licensing law and it is recommended that under all the circumstances appropriate sanction is a fine of one thousand (\$1,000.00) dollars or less. The Notice will further inform the Respondent that he has a right to reject the proposed fine and have a full evidentiary hearing.

The respondent will be provided with a document which requests that he admit or deny violation of the Licensing Law and to further accept or reject the proposed penalty. The Respondent will indicate he understands he has a right to a full evidentiary hearing before the Board and that he elects not to exercise that right.

The (Secretary-delete) **Board** shall notify, in writing, every licensee complained against, provided said complaint is determined to make out a *prima facie* case.

Any and every Notice, Order or other instrument herein required to be forwarded or sent to any person concerning a complaint or hearing shall be deemed sufficient if addressed to the person at his or her address as last furnished to the Board, in a sealed envelope and delivered by Certified Mail, postage prepaid.

Any and every person appearing before the Board at any of its hearings shall be first placed under oath. All testimony given or statements made to or before the Board shall be stenographically reported and made a part of the record in such case.

At any and meetings of the Board at which a hearing is to be held on any complaint previously filed the same shall be set down for a day certain by the Board, at least ten (10) days prior to any such hearing date.

The (Secretary-delete) **Board** shall, at least twenty (20) days prior to any such hearing date, notify all persons entitled to notice thereof, by certified mail of the order of the Board setting such complaint for hearing. Said notice shall contain the place and approximate time of said hearing, a brief and concise statement of the facts forming the

basis of the complaint, the provisions of the law or the rules and regulations thought to be involved therein and shall be executed (for the Board by its Secretary-delete) by the Board, dated and sealed with the official seal of the Board.

Any licensee complained against and to be heard or any complaining witness, may, by written petition, signed and dated, invoke the aid of the Board in the procurement of any witness he or she may desire to be present and testify at any such hearing, such petitions to be filed with the (Secretary-delete) **Board** at least five (5) days prior to such hearing date. Any and all cost anticipated must be deposited with the (Secretary-delete) **Board** at the time of any such request.

(Each and every complaint filed with the Secretary which shall be determined to make out a *prima facie* case shall be given a file number by the Secretary and thereafter all written documents pertaining thereto shall bear that assigned file number-delete.)

Each and every hearing of the Board after being duly called to order, shall begin with a statement by the Chairman or Vice-Chairman, as to the nature of the cause to be heard, an inquiry of the parties present as to whether each is prepared to proceed and thereafter the cause, shall proceed with the presentation of evidence for and on behalf of the complainant. After the conclusion of such evidence the person complained against may then proceed to introduce evidence in contradiction, after which rebuttal testimony may be offered.

Either oral or written argument on the issues raised, may be called for or dispensed with by the Chairman or discretion of the Board.

The Board shall file (with the Secretary-delete) its written findings and conclusions as to all hearings, same to be signed by the Board. A copy of such Order shall be sent to the licensee involved, by certified mail.

At any hearing both the licensee or complaining witness involved may be present in the hearing room during the entire proceedings and shall have the right to cross-examine any witness and to examine any document or evidence submitted.

The Board will receive into evidence all affidavits, depositions, certified copies of documents, Photostats of official records and exhibits therewith introduced, together with such other evidence as may be administered by law. The Board shall give to such evidence such weight as they shall determine just and proper.

Every pleading, motion or other document and every request to the Board must be filed with the (Secretary-delete) **Board** in writing, signed, dated and in quadruplicate.

No attorney shall withdraw his appearance in any case before this Board except by leave of the Board after notice served by him or his client and counsel for the Board.

ARKANSAS FIRE PROTECTION LICENSING BOARD

SERVICE TAG

SERVICE TAG MAY BE ANY COLOR OTHER THAN RED

(WORDING ON THE SERVICE TAG REMAINS UNCHANGED)

ARKANSAS FIRE PROTECTION LICENSING BOARD

RED TAG

RED TAGS MUST BE RED IN COLOR

(WORDING ON THE RED TAG REMAINS UNCHANGED)

ARKANSAS FIRE PROTECTION LICENSING BOARD

6-YEAR MAINTENANCE LABEL

AND

HYDROSTATIC TEST LABEL

(WORDING ON THE 6-YEAR MAINTENANCE LABEL AND HYDROSTATIC
TEST LABEL REMAIN UNCHANGED)

INTERNAL MAINTENANCE LABEL

(WORDING ON THE INTERNAL MAINTENANCE LABEL REMAINS
UNCHANGED)